

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ESTATE OF MICHAEL T. BARRY, II,)	
Michael T. Barry, personal representative,)	
and)	
)	
MICHAEL T. BARRY, individually as)	Cause No. 4:10-cv-00265-AGF
natural father of Michael T. Barry, II,)	
deceased)	
)	
Plaintiffs,)	
)	
vs)	
)	
STATE FARM MUTUAL)	
AUTOMOBILE INSURANCE CO.)	
)	
Defendant.)	

AFFIDAVIT OF RYAN R. COX

COMES NOW Affiant, Ryan R. Cox, and having been sworn upon his oath states as follows:

1. I am the attorney for Michael T. Barry in this action.
2. With the consent of Mr. Barry, I contacted Diana Childers on June 17, 2011 and informed her that I was Mr. Barry's attorney in a lawsuit he had filed against State Farm Mutual Automobile Insurance Company to recover benefits against State Farm under a wrongful death claim for the death of Michael T. Barry, II, the natural son of Michael T. Barry and Diana Childers. Ms. Childers advised me that she was aware of this lawsuit. I asked Ms. Childers if she could provide a copy of her own policy with State Farm and she informed me that she would do so.
3. On August 2, 2011, I had another conversation with Ms. Childers. I informed her that the case against State Farm was being mediated that Friday, August 5. I asked her what kind of share she was seeking in regard to any settlement that was reached. She told me she did not want any portion of the settlement, other than her share of funeral expenses.

4. On September 13, 2011, I again spoke to Ms. Childers by phone and informed her that State Farm had prepared an affidavit and release that required her signature. My office then mailed this affidavit and release along with a cover letter (attached as Exhibit A), to Ms. Childers for signature.

5. On September 21, 2011, I called Ms. Childers to confirm that she had received the documents which were mailed to her. She confirmed receipt and then informed me that she had retained the services of an attorney by the name of Melissa Featherston and that her attorney would be contacting me.

6. On September 27, 2011, I spoke with Melissa Featherston and was informed by her that Ms. Childers was thinking about reneging on her agreement to accept payment of funeral expenses from the wrongful death claim, but that she had not yet made a final decision.

7. On October 6, 2011, I provided notice to Ms. Childers' attorney by correspondence that the settlement against State Farm had been set for court approval on Wednesday, October 19 at 9:30 a.m. before this Honorable Court and provided a copy of this Court's notice along with Mr. Barry's Motion for Approval of Wrongful Death Settlement, previously filed (attached as Exhibit B).

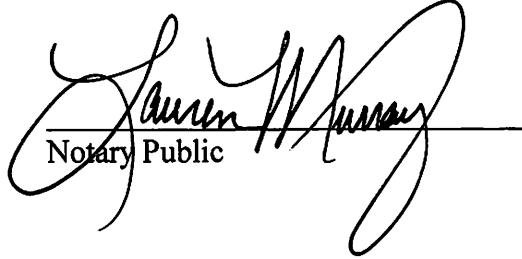
8. On October 18, 2011, I again spoke with Ms. Childers' attorney about the October 19 hearing and further informed her to have Ms. Childers appear.

FURTHER Affiant sayeth not.



Ryan R. Cox

Subscribed and sworn to before me this 18th day of October, 2011.


Notary Public

My Commission Expires:



LAUREN MURRAY
My Commission Expires
May 1, 2015
St. Charles County
Commission #11179538